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By Email

September 3, 2013

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Honorable Lorna G. Schofield  
 United States District Court  
 Southern District of New York  
 500 Pearl Street  
 New York, New York 1007  
 Schofield\_NYSDChambers@nysd.uscourts.gov

Re: NeoMedia Technologies, Inc. v. Scanbuy, Inc.  
 USDC SDNY Civil Action No. 13-cv-5590  
 5990

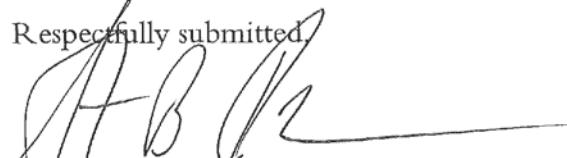
Your Honor:

Petitioner NeoMedia Technologies, Inc. requests that certain documents filed electronically in this matter be removed from the Court's public docket. The Petition to Confirm an Arbitration Award and for Entry of Judgment was filed last week with an accompanying Notice of Petition, Proposed Order, Memorandum of Law and a Declaration of Steven Pokotilow. An additional Declaration of Laura Marriott was prepared and served on counsel for Scanbuy, Inc. but was not filed with the Court. The Petition and Memorandum of Law in Support of the Petition (D.I. 1 and 3) contain information that Scanbuy believes is sensitive confidential business information that should be removed from the public record.

In order to resolve this matter and accommodate the concerns of Respondent Scanbuy, the parties have reached an agreement whereby the above captioned matter (Civil Action No. 13-cv-5990) will be dismissed, without prejudice. At the same time, NeoMedia will re-file a revised Petition on Consent omitting the information of concern to Scanbuy and including a Joint Stipulation agreeing to an Order Confirming the decretal portion of the Arbitration Award.

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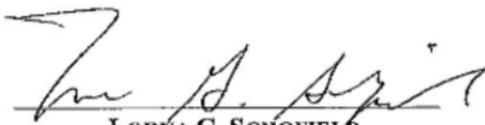
For this reason the parties request the Court to grant this request to delete from the Pacer Docket the Petition and Memorandum of Law filed on August 26, 2013 as D.I. 1 and 3, and upon granting this request, the parties agree to immediately file a Stipulation of Voluntary Dismissal pursuant to Federal Rules Of Civil Procedure 41(a)(1)(A)(ii).

Respectfully submitted,  
  
Steven B. Pokotilow

cc: John Hintz, Esq., Counsel for Respondent Scanbuy, Inc.

Application granted. The Clerk is directed to remove the Petition (Dkt. No. 1) and the Memorandum of Law in Support of the Petition (Dkt. No. 3) from the record.

Dated: September 3, 2013  
New York, New York

  
LORNA G. SCHOFIELD  
UNITED STATES DISTRICT JUDGE